

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORLANDO CRUZ	:	CIV. NO.
	:	
Plaintiff,	:	02-3418
	:	
v.	:	
	:	
LT. WOERTZ ,	:	
POLICE OFFICER KELLY, POLICE	:	
OFFICER ACQUAVIVA, and POLICE	:	
OFFICER FRYSSINGER,	:	
Defendants.	:	

Defendants' Proposed Jury Interrogatories

A. USE OF EXCESSIVE FORCE

1. Do you find that the Plaintiff Orlando Cruz proved by a preponderance of the evidence that the Defendants used excessive force against him on June 4, 2000?

	YES	NO
Anthony Acquaviva	_____	_____
William Frysinger	_____	_____
Michael Kelly	_____	_____
Richard Woertz	_____	_____

If you answered no for all defendants, please return to the courtroom. If you answered yes for any defendant, go to question no. 1(a)

Compensatory Damages

1(a) Do you find that Plaintiff suffered damages as a result of the excessive force?

YES	NO
_____	_____

If you answered no, please return to the courtroom. If you answered yes, go to question no. 1(b).

1(b) What is the amount of money, if any, which will compensate Plaintiff for damages suffered?

\$_____

B. WILLFUL MISCONDUCT

2. Do you find that the Plaintiff Orlando Cruz proved by a preponderance of the evidence that the Defendants engaged in willful misconduct on June 4, 2000?

	YES	NO
Anthony Acquaviva	_____	_____
William Frysinger	_____	_____
Michael Kelly	_____	_____
Richard Woertz	_____	_____

If you answered no for all defendants, return to the courtroom. If you answered yes for any defendant, go to question no. 3.

C. ASSAULT AND BATTERY

3. If you answered yes to question 2, did you find that the Plaintiff proved by a preponderance of the evidence that the Defendants committed the tort of assault and battery against the Plaintiff?

	YES	NO
Anthony Acquaviva	_____	_____
William Frysinger	_____	_____
Michael Kelly	_____	_____
Richard Woertz	_____	_____

If you answered no for all defendants, return to the courtroom. If you answered yes for any defendant, go to question no. 3(a).

Compensatory Damages

3(a) Do you find that Plaintiff suffered damages as a result of the assault and battery?

YES

NO

If you answered no, please return to the courtroom. If you answered yes, go to question no. 3(b).

3(b) What is the amount of money, if any, which will compensate Plaintiff for damages suffered?

\$ _____

Date: _____

Foreperson

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ORLANDO CRUZ	:	CIV. NO.
	:	
Plaintiff,	:	02-3418
	:	
v.	:	
	:	
LT. WOERTZ ,	:	
POLICE OFFICER KELLY, POLICE	:	
OFFICER ACQUAVIVA, and POLICE	:	
OFFICER FRYSSINGER,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

Robin B. Arnold hereby certifies that service of a true and correct copy of the Defendants' Proposed Jury Interrogatories was made on the 27th day of October 2003, to the counsel of record by First Class United States Mail.

Jay S. Gottlieb, Esq.
The Robinson Building
42 S. 15th Street, Suite 1313
Philadelphia, PA 19102

Robin B. Arnold
Deputy City Solicitor
Attorney I.D. #59477
City of Philadelphia Law Depart.
1515 Arch Street, 14th Floor
Philadelphia, PA 19102
(215) 683-5447
(215) 683-5347 (Fax)

Dated: 10/27/03

